

FILED

DEC 14 2016

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATHEW G. PARTAIN,

Defendant.

4:16CR537 RLW/NCC

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. §

2256(1));

(b) "sexually explicit conduct" to mean actual or simulated--

(i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18

U.S.C. §2256(2)(A));

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. § 2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about August 29, 2012, and on or about January 10, 2013, within the Eastern District of Missouri and elsewhere,

MATHEW G. PARTAIN,

the defendant herein, did knowingly possess material that contained images and videos of child pornography that was produced using materials that traveled in interstate commerce, to wit, a Dell laptop computer containing a Seagate hard drive that was produced outside Missouri and

therefore has traveled in interstate and foreign commerce, and said hard drive contained child pornography, including but not limited to the following:

- a. stickam omfgz shorty bate.avi, which is a video file depicting a prepubescent minor female in lascivious display of her genitals;
- b. st026.avi, which is a video file depicting a prepubescent minor female in lascivious display of her genitals;
- c. - xxx anal oral años246.mpg, which is a video file depicting a prepubescent minor female engaging in oral and anal sex with an adult male;
- d. 1 ly emoskatchik adorée webcam stickam irl play all sex mpeg4 2009.avi, which is a video file depicting a prepubescent minor female in lascivious display of her genitals;
- e. alexandrajuicy.avi, which is a video file depicting a minor female in lascivious display of her genitals;
- f. wow!!_mirey-12y_(2010)pthc!!(2).avi, which is a video file depicting a prepubescent minor female in lascivious display of her genitals; and
- g. STICKAM_not_SMOTRI_COM_2009_rachiebabiie_doggy_xvid.avi, which is a video file depicting a minor female engaging in an act of bestiality;

In violation of Title 18, United States Code, Sections 2252A (a)(5)(B) and (b)(2).

A TRUE BILL.

FOREPERSON

RICHARD G. CALLAHAN
United States Attorney

GILBERT C. SISON, #52346MO
Assistant United States Attorney